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EXAMINER	
ABEL JALIL, NEVEEN	

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/741,600	HUNT ET AL.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,30-47,50 and 51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 30-47, and 50-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on May 27, 2004 has been received and entered. Claims 16-29, and 48-49 have been cancelled. Claims 50-51 have been added. Therefore, claims 1-16, and 30-47, and 50-51 are now pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1- 15, 30-47, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (U.S. Patent No. 6,199,076 B1) in view of Drosset et al. (U.S. Patent No. 6,662,231 B1).

As to claim 1, Logan et al. discloses an automatic user preference detection system, comprising:

a score calculation module to determine a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length in time in which the user allows the media content file to be played at a user computing devise relative to a total length of the media content file (See Logan et al. column 12, lines 21-67, also see Logan et al. column 15, lines 3-20, and see Logan et al. column 21, lines 53-60, and see Logan et al. column 24, lines 28-58);

a preference determination module to determine a preference for the user of the media content distribution source, the preference being based on previously determined media scores for the user computing device, wherein the preference determination module scans the user computing device regardless of whether the user is currently playing the local media content file (See Logan et al. column 6, lines 38-67, and see Logan et al. column 7, lines 1-31, also see Logan et al. column 9, lines 31-62, and see Logan et al. column 10, lines 7-54, also see Logan et al. column 15, lines 1-20);

a database to store the preference for the user of the media content file distribution source (See Logan et al. column 24, lines 59-67, wherein "database" reads on "local storage"); and

a processing module to modify the preference based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference (See Logan et al. column 11, lines 41-67, and see Logan et al. column 12, lines 1-20).

Logan et al. does not teach a preference determination module independent from the user computing device; profile; wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device.

Drosset et al. teaches a preference determination module independent from the user computing device (See Drosset et al. column 9, lines 24-45, wherein "independent from the user" reads on "sever stores"); profile (See Drosset et al. column 13, lines 1-62);

wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device (See Drosset et al. column 12, lines 13-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. to include a preference determination module independent from the user computing device; profile; wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. by the teaching of Drosset et al. to include a preference determination module independent from the user computing device; profile; wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device because it provides for accurate and efficient maintenance of database records and stored media files.

As to claim 2, Logan et al. as modified discloses wherein the media content file is a music file (See Logan et al. column 30, line 43-59).

As to claim 3, Logan et al. as modified discloses wherein a rate at which the processing module modifies the preference file is configurable (See Logan et al. column 28, lines 1-23, also see Logan et al. column 2, lines 55-67, also see Logan et al. column 8, lines 54-67, and see Logan et al. column 9, lines 1-30).

As to claim 4, Logan et al. as modified discloses wherein the system determines the length based on the user's responses made with user control point (See Logan et al. column 13,

lines 18-47, also see Logan et al. column 15, lines 10-67, and see Logan et al. column 16, lines 1-17, also see Logan et al. column 21, lines 53-60).

As to claim 5, Logan et al. as modified discloses wherein the user control point is a remote control (See Logan et al. column 14, lines 20-34).

As to claim 6, Logan et al. as modified discloses wherein the media content files are sent to the user via an Internet stream (See Logan et al. column 5, lines 13-45).

As to claim 7, Logan et al. as modified discloses wherein the processing module periodically selects testing media content files to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preference have changed (See Logan et al. column 6, lines 51-67, also see Logan et al. column 2, lines 44-67, and see Logan et al. column 3, lines 1-12, also see Logan et al. column 9, lines 1-42, wherein "testing" reads on "additional programming").

As to claim 8, Logan et al. as modified discloses wherein the processing module further modifies the preference profile based on responses of other users having similar media preferences (See Logan et al. column 26, lines 21-62, also see Logan et al. column 42, lines 1-16, also see Drosset et al. column 13, lines 1-62).

As to claim 9, Logan et al. discloses an automatic user preference detection system, comprising:

a preference determination module to determine a preference for a user of a media content distribution source, the preference being based on a score determined based on comparison of a length of time on which the user allows a media content file to be played at the user computing device relative to the total length of the media content file, previously determined media scores for the user and a determination of local media content files stored on the user computing device, wherein the preference determination module scans the user computing device regardless of whether the user is currently playing the local media content file (See Logan et al. column 6, lines 38-67, and see Logan et al. column 7, lines 1-31, also see Logan et al. column 9, lines 31-62, and column 10, lines 7-54, also see Logan et al. column 15, lines 1-20);

a database to store the media content preference for the user of the media content distribution source (See Logan et al. column 8, lines 39-67);

a read/write device to read data from and write data to the database (See Logan et al. column 7, lines 1031, wherein "read/write device" reads on "player"); and

a processing module to modify the preference based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference (See Logan et al. column 11, lines 41-67, and see Logan et al. column 12, lines 1-20).

Logan et al. does not teach a preference determination module independent from the user computing device; profile; wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device.

Drosset et al. teaches a preference determination module independent from the user computing device (See Drosset et al. column 9, lines 24-45, wherein "independent from the user" reads on "sever stores"); profile (See Drosset et al. column 13, lines 1-62);

wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device (See Drosset et al. column 12, lines 13-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. to include a preference determination module independent from the user computing device; profile; wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. by the teaching of Drosset et al. to include a preference determination module independent from the user computing device; profile; wherein the determination of the local media content files stored on the user device occurs after the preference determination module scans the user device because it provides for accurate and efficient maintenance of database records and stored media files.

As to claim 10, Logan et al. as modified discloses wherein the media content file is music file (See Logan et al. column 30, line 43-59).

As to claim 11, Logan et al. as modified discloses wherein a rate at which the processing module modifies the preference profile is configurable (See Logan et al. column 28, lines 1-23, also see Logan et al. column 2, lines 55-67, also see Logan et al. column 8, lines 54-67, and see Logan et al. column 9, lines 1-30, also see Drosset et al. column 13, lines 1-62).

As to claim 12, Logan et al. as modified discloses wherein the system determines the length based on the user's responses made with user control point (See Logan et al. column 13, lines 18-47, also see Logan et al. column 15, lines 10-67, and see Logan et al. column 16, lines 1-17, also see Logan et al. column 21, lines 53-60).

As to claim 13, Logan et al. as modified discloses wherein the media content files are sent to the user via an Internet stream (See Logan et al. column 5, lines 13-45).

As to claim 14, Logan et al. as modified discloses wherein the processing module periodically selects testing media content files to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preference have changed (See Logan et al. column 6, lines 51-67, also Logan et al. see Logan et al. column 2, lines 44-67, and see Logan et al. column 3, lines 1-12, also see Logan et al. column 9, lines 1-42, wherein "testing" reads on "additional programming").

As to claim 15, Logan et al. as modified discloses wherein the processing module further modifies the preference profile based on responses of other users having similar media

preferences (See Logan et al. column 26, lines 21-62, also see Logan et al. column 42, lines 1-16).

As to claim 30, Logan et al. discloses a method of automatically detecting media content preferences, comprising:

determining a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length in time in which the user allows the media content file to be played at a user computing devise relative to a total length of the media content file (See Logan et al. column 12, lines 21-67, also see Logan et al. column 15, lines 3-20, and see Logan et al. column 21, lines 53-60, and see Logan et al. column 24, lines 28-58);

storing a preference for the user of the media content file distribution source, the preference being based on previously determined media scores for the user and a determination of local media content files stored on the user computing devise wherein the user computing device is scanned to determine the local media content files stored on the user computing device regardless of whether the user is currently playing the local media content file (See Logan et al. column 6, lines 38-67, and see Logan et al. column 7, lines 1-31, also see Logan et al. column 9, lines 31-62, and see Logan et al. column 10, lines 7-54, also see Logan et al. column 15, lines 1-20, also see Logan et al. column 15, lines 1-20);

modifying the preference based on the score (See Logan et al. column 22, lines 48-67, and see Logan et al. column 23, lines 15, also see Logan et al. column 24, lines 33-58, wherein "score" reads on "weighing value"); and

selecting a second media content file to distribute to the user based on the preference (See Logan et al. column 18, lines 21-40, also see Logan et al. column 20, lines 41-67).

Logan et al. does not teach at the media content file distribution source which is independent of the user computing device; store the profile; and modify the profile.

Drosset et al. teaches at the media content file distribution source which is independent of the user computing device (See Drosset et al. column 9, lines 24-45, wherein "independent from the user" reads on "sever stores"); profile (See Drosset et al. column 13, lines 1-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. to include at the media content file distribution source which is independent of the user computing device; profile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. by the teaching of Drosset et al. to include at the media content file distribution source which is independent of the user computing device; profile because it provides for accurate and efficient maintenance of database records and stored media files.

As to claim 31, Logan et al. as modified discloses wherein the media content file is a music file (See Logan et al. column 30, line 43-59).

As to claim 32, Logan et al. as modified discloses wherein a rate at which the preference file is modified is configurable (See Logan et al. column 28, lines 1-23, also see Logan et al.

column 2, lines 55-67, also see Logan et al. column 8, lines 54-67, and see Logan et al. column 9, lines 1-30).

As to claim 33, Logan et al. as modified discloses further including determining the length based on the user's responses made with user control point (See Logan et al. column 13, lines 18-47, also see Logan et al. column 15, lines 10-67, and see Logan et al. column 16, lines 1-17, also see Logan et al. column 21, lines 53-60).

As to claim 34, Logan et al. as modified discloses further including sending the media content file to the user via an Internet stream (See Logan et al. column 5, lines 13-45, also see Drosset et al. column 7, lines 50-62).

As to claim 35, Logan et al. as modified discloses further including periodically selecting testing media content files to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preference have changed (See Logan et al. column 6, lines 51-67, also see Logan et al. column 2, lines 44-67, and see Logan et al. column 3, lines 1-12, also see Logan et al. column 9, lines 1-42, wherein "testing" reads on "additional programming").

As to claim 36, Logan et al. as modified discloses further including modifying the preference file based on responses of other users having similar media preferences (See Logan et

al. column 26, lines 21-62, also see Logan et al. column 42, lines 1-16, also see Drosset et al. column 9, lines 1-45).

As to claim 37, Logan et al. an article compromising a storage medium having stored thereon instructions that when executed by a machine result in the following:

determining a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length in time in which the user allows the media content file to be played at a user computing devise relative to a total length of the media content file (See Logan et al. column 12, lines 21-67, also see Logan et al. column 15, lines 3-20, and see Logan et al. column 21, lines 53-60, and see Logan et al. column 24, lines 28-58);

storing a preference for the user of the media content file distribution source, the preference being based on previously determined media scores for the user and a determination of local media content files stored on the user computing devise wherein the user computing device is scanned to determine the local media content files stored on the user computing device regardless of whether the user is currently playing the local media content file (See Logan et al. column 6, lines 38-67, and see Logan et al. column 7, lines 1-31, also see Logan et al. column 9, lines 31-62, and see Logan et al. column 10, lines 7-54); and

modifying the preference based on the score (See Logan et al. column 22, lines 48-67, and see Logan et al. column 23, lines 15, also see Logan et al. column 24, lines 33-58, wherein "score" reads on "weighing value"); and

selecting a second media content file to distribute to the user based on the preference (See Logan et al. column 18, lines 21-40, also see Logan et al. column 20, lines 41-67).

Logan et al. does not teach at the media content file distribution source which is independent of the user computing device; profile.

Drosset et al. teaches at the media content file distribution source which is independent of the user computing device (See Drosset et al. column 9, lines 24-45, wherein "independent from the user" reads on "sever stores"); profile (See Drosset et al. column 13, lines 1-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. to include at the media content file distribution source which is independent of the user computing device; profile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. by the teaching of Drosset et al. to include at the media content file distribution source which is independent of the user computing device; profile because it provides for accurate and efficient maintenance of database records and stored media files.

As to claim 38, Logan et al. as modified discloses wherein the media content file is a music file (See Logan et al. column 30, line 43-59).

As to claim 39, Logan et al. as modified discloses wherein a rate at which the preference profile is modified is configurable (See Logan et al. column 28, lines 1-23, also see Logan et al.

column 2, lines 55-67, also see Logan et al. column 8, lines 54-67, and see Logan et al. column 9, lines 1-30, also see Drosset et al. column 18, lines 29-53).

As to claim 40, Logan et al. as modified discloses wherein the instructions further result in determining the length based on the user's responses made with user control point (See Logan et al. column 13, lines 18-47, also see Logan et al. column 15, lines 10-67, and see Logan et al. column 16, lines 1-17, also see Logan et al. column 21, lines 53-60).

As to claim 41, Logan et al. as modified discloses wherein the instructions further result in sending the media content file to the user via an Internet stream (See Logan et al. column 5, lines 13-45, also see Drosset et al. column 7, lines 50-62).

As to claim 42, Logan et al. as modified discloses wherein the instructions further result in periodically selecting testing media content files to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preference have changed (See Logan et al. column 6, lines 51-67, also see Logan et al. column 2, lines 44-67, and see Logan et al. column 3, lines 1-12, also see Logan et al. column 9, lines 1-42, wherein "testing" reads on "additional programming").

As to claim 43, Logan et al. as modified discloses wherein the instructions further result in modifying the preference profile based on responses of other users having similar media

preferences (See Logan et al. column 26, lines 21-62, also see Logan et al. column 42, lines 1-16, also see Drosset et al. column 9, lines 1-45).

As to claim 44, Logan et al. as modified discloses wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time by not a pressing a media control point (See Drosset et al. column 6, lines 22-59, and see Drosset et al. column 7, lines 50-67, and see Drosset et al. column 8, lines 1-37), the score calculation module stops calculating the score for each successive media content file (See Logan et al. column 12, lines 21-57, also see Logan et al. column 21, lines 63-60, and see Logan et al. column 21, lines 1-10, wherein "stops calculating" reads on "repeat selections...all episodes ...maybe assigned a higher importance value" indicating that once preference by user has been indicated all related content will carry that same score).

As to claim 45, Logan et al. as modified discloses wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time by not a pressing a media control point (See Drosset et al. column 6, lines 22-59, and see Drosset et al. column 7, lines 50-67, and see Drosset et al. column 8, lines 1-37), the score calculation module stops calculating the score for each successive media content file (See Logan et al. column 12, lines 21-57, also see Logan et al. column 21, lines 63-60, and see Logan et al. column 21, lines 1-10, wherein "stops calculating" reads on "repeat selections...all episodes ...maybe assigned a higher importance value" indicating that once preference by user has been indicated all related content will carry that same score).

As to claim 46, Logan et al. as modified discloses wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time by not a pressing a media control point, no score for each successive media content file is determined (See Logan et al. column 12, lines 21-57, also see Logan et al. column 21, lines 63-60, and see Logan et al. column 21, lines 1-10, wherein "stops calculating" reads on "repeat selections...all episodes ...maybe assigned a higher importance value" indicating that once preference by user has been indicated all related content will carry that same score, also see Drosset et al. column 4, lines 33-43, and see Drosset et al. column 12, lines 58-67).

As to claim 47, Logan et al. as modified discloses wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time by not a pressing a media control point, no score for each successive media content file is determined (See Logan et al. column 12, lines 21-57, also see Logan et al. column 21, lines 63-60, and see Logan et al. column 21, lines 1-10, wherein "stops calculating" reads on "repeat selections...all episodes ...maybe assigned a higher importance value" indicating that once preference by user has been indicated all related content will carry that same score, also see Drosset et al. column 4, lines 33-43, and see Drosset et al. column 12, lines 58-67).

As to claim 50, Logan et al. as modified discloses wherein the score for the media content file is; stored in a temporary storage file and if the user allows multiple media content files to be played, in their entirety, for a predetermined length of time by not pressing a media control point,

the score for the media content file is not moved to a permanent storage file (See Drosset et al. column 5, lines 40-67, also see Drosset et al. column 6, lines 1-59, wherein "temporary" reads on "streaming applications", and see Drosset et al. column 7, lines 50-67, and see Drosset et al. column 8, lines 1-37).

As to claim 51, Logan et al. discloses an automatic user preference detection system, comprising:

a preference determination module to create an initial preference profile for a user of a media content distribution source, wherein the determination of the local media content files stored on the user device occurs when the preference determination module scans the user computing device (See Logan et al. column 8, lines 12-44, and see Logan et al. column 7, lines 1-31, and see Logan et al. column 6, lines 38-67, and see Logan et al. column 7, lines 1-31, also see Logan et al. column 9, lines 31-62, and column 10, lines 7-54, also see Logan et al. column 15, lines 1-20);

a database to store the initial preference profile for the user of the media content file distribution source (See Logan et al. column 24, lines 59-67, wherein "database" reads on "local storage"); and

a processing module to select a media content file to distribute to the user based on the initial preference profile (See Logan et al. column 11, lines 41-67, and see Logan et al. column 12, lines 1-20).

Logan et al. does not teach the preference profile being based on the use's answers to preliminary questions submitted to the automatic user preference detection system and a determination of local media content files stored on the user computing device.

Drosset et al. teaches the preference profile being based on the use's answers to preliminary questions submitted to the automatic user preference detection system and a determination of local media content files stored on the user computing device (See Drosset et al. column 20, lines 22-67, and see Drosset et al. column 14, lines 40-67, and see Drosset et al. column 15, lines 1-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. to include the preference profile being based on the use's answers to preliminary questions submitted to the automatic user preference detection system and a determination of local media content files stored on the user computing device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Logan et al. by the teaching of Drosset et al. to include the preference profile being based on the use's answers to preliminary questions submitted to the automatic user preference detection system and a determination of local media content files stored on the user computing device because

Response to Arguments

4. Applicant's arguments with respect to claims 1-16, and 30-47, and 50-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marks et al. (U.S. Pub. No. 2002/0032019 A1) teaches assembling unique play lists.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
July 27, 2004

C. Rones

CHARLES RONES
PRIMARY EXAMINER